

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CENTRO PRESENTE, a membership  
organization, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United  
States, in his official capacity, *et al.*,

Defendants.

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Case No. 1:18-cv-10340

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**MOTION FOR STAY OF ALL PROCEEDINGS IN LIGHT OF LAPSE  
IN APPROPRIATIONS**

The Government hereby moves for a stay of all proceedings in this matter.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired, and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of all proceedings until the earlier of the date upon which Congress restores appropriations to the Department of Justice or thirty (30) days from the filing of this motion. This request is without prejudice to either party’s positions respecting any further extension requests, should the lapse in appropriations exceed thirty days from today.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at

that point, all pending deadlines (including the close of fact discovery presently set for March 8, 2019, and the status conference presently set for March 4, 2019) be extended by a period commensurate with the period of the stay.<sup>1</sup>

WHEREFORE, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all proceedings in light of the lapse in appropriations.

Dated: January 9, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ANDREW E. LELLING  
United States Attorney

JOHN R. TYLER  
Assistant Branch Director

/s/ Joseph C. Dugan  
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*Counsel for Defendants*

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<sup>1</sup> The Government respectfully submits that the proposed extension is unlikely to prejudice Plaintiffs, as (1) the challenged TPS determinations for Haiti and El Salvador are preliminary enjoined, *see Ramos v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018); (2) even if the preliminary injunction order in *Ramos* is overturned on appeal, the Government has agreed to defer termination of TPS for those countries until the later of 120 days following any final, non-appealable order or the previously announced termination dates for those countries, *see Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador*, 83 Fed. Reg. 54,764-01 (Oct. 31, 2018); and (3) the January 5, 2020, termination date for Honduras is nearly a year away.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

I, Joseph C. Dugan, hereby certify that on January 8, 2019, I contacted counsel for Plaintiffs about the relief requested herein. In a subsequent e-mail, Kevin O’Keefe, one of Plaintiffs’ attorneys, advised that Plaintiffs take no position as to this motion.

/s/ Joseph C. Dugan  
JOSEPH C. DUGAN

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Court’s CM/ECF system will be served electronically on the registered participants as identified on the NEF and that a PDF will be served on January 9, 2019, via e-mail to counsel not so registered per prior agreement.

/s/ Joseph C. Dugan  
JOSEPH C. DUGAN